

Minutes of the Planning Commission meeting held on Thursday, November 21, 2019, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Ned Hacker, Chair
Sue Wilson, Vice Chair
Phil Markham
Maren Patterson
Lisa Milkavich
Jared Hall, Planning Division Manager
Zac Smallwood, Associate Planner
Briant Farnsworth, Deputy City Attorney
Citizens

Excused: Travis Nay
Scot Woodbury

The Staff Review meeting was held from 6:00 p.m. to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording is available at the Murray City Community and Economic Development Division Office.

Ned Hacker opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Ms. Patterson made a motion to approve the minutes from the October 17, 2019 Planning Commission meeting. Seconded by Mr. Markham.

A voice vote was made, motion passed 5-0.

Ms. Milkavich made a motion to approve the minutes from the November 7, 2019 Planning Commission meeting. Seconded by Ms. Wilson.

A voice vote was made, motion passed 5-0.

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Mr. Markham made a motion to approve the Findings of Fact for Murray City Corporation, John Taft, Jalal Afrane, Jadon Wagner/Truck Ranch HQ and Graig Griffin. Seconded by Ms. Milkavich.

A voice vote was made, motion passed 5-0.

AUTOZONE – 827 East 5600 South - Project #19-149

Colby Anderson was present to represent this request. Zac Smallwood reviewed the location and request to construct a new commercial building to be located near the southeast boundary of the subject property located at 827 East 5600 South within the C-D Zone. Mr. Smallwood explained that the subject property was previously a covered parking lot and it was recently demolished that served the previous Sports Authority Business. New retail uses and auto parts stores specifically are Conditional Uses in the C-D Zone. There are no proposed auto service uses associated with the application. Accesses will be from 5600 South and 900

East. The site plan includes an enclosed dumpster on site, landscaping and two ADA parking stalls. Street improvements are included as part of the neighboring business's approval and will include landscaping and parking. Per city code AutoZone needs 30 parking spaces, EOS Fitness will need 169 Parking spaces. The new restriping will have roughly 584 parking spaces total on this parcel. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed use meets the requirements of the C-D Zone and recommends that the Planning Commission approve a Conditional Use Permit subject to the conditions as outlined in the Staff Report.

Colby Anderson, 210 North Redwood Rd, stated that he was able to review the Conditions of Approval and will be able to comply.

The meeting was opened for public comment. There was no public comment for this agenda item and the public comment portion for this item was closed.

Ms. Patterson made a motion to approve a Conditional Use Permit to allow the construction of a new AutoZone at the property located at 527 East 5600 South, subject to the following conditions:

1. The applicant shall meet the requirements of the City Engineer listed below
 - a) Meet City storm drainage requirements, on-site detention/retention is required.
 - b) Implement Low Impact Development (LID) practices where applicable.
 - c) Replace damaged curb, gutter and sidewalk along the 5600 South frontage.
 - d) Develop a site stormwater pollution prevention plan (SWPPP) and implement prior to site work.
 - e) Obtain a City Excavation Permit for work in the City right-of-way.
2. The applicant shall provide stamped/signed plans, structural calcs and a soils report at the time of Building Permit submittal.
3. The property owner shall provide documentation allowing access to the private water main.
4. The building shall have Knox Box and Knox FDC locks if the building is sprinkled.
5. The project shall comply with all applicable building and fire code standards.
6. The applicant shall obtain a building permit for any proposed remodeling or construction on the site.
7. The applicant shall obtain permits for any new attached or detached signs proposed for the business.
8. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.

Seconded by Mr. Milkavich.

Call vote recorded by Mr. Hall.

 A Maren Patterson
 A Lisa Milkavich
 A Phil Markham

A Sue Wilson
 A Ned Hacker

Motion passed 5-0

E & M RESEARCH AND DEVELOPMENT – 4195 South 500 West # 30 - Project #19-150

Thomas Mangum was present to represent this request. Jared Hall reviewed the location and request to operate a metal assaying business from an existing office/warehouse unit in the industrial complex on the property addressed 4195 South 500 West within the Manufacturing General Zone (M-G). Mr. Hall explained this metal assaying business is a small operation but requires a Conditional Use Permit in the M-G zone. The applicant currently operates a freight logistics company at this location where no clients or employees visit. There is no additional parking at this facility. The business operation would be to bring in small quantities of material or dirt and then test it by the use of fire or chemicals to remove the impurities. The business owner would personally collect and return the sample. A furnace will be installed at this location to serve the fire test and would need to be inspected by our Fire and Building Departments. The applicant indicated that he would store no more than 100 lbs. of dry chemicals or 20 gallons of wet chemicals on site. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed operation of a new Metals Assaying business meets the requirements of the Land Use Ordinance and recommends that the Planning Commission approve a Conditional Use Permit subject to the conditions as outlined in the Staff Report.

Thomas Mangum, 743 East 6410 South, stated that he received a copy of the Conditions of Approval and will be able to comply.

Mr. Markham asked what type of material and in what quantities will be tested. Mr. Mangum replied that it is normally dirt and it is very small quantities. Mr. Markham asked how the process works. Mr. Mangum explained that he possesses the chemistry to test the dirt and looks for precious metals such as silver, gold and platinum. Mr. Hacker asked if they use hazardous chemicals in this process. Mr. Mangum replied that yes, they do use hazardous chemicals and it should not be an issue because they have all the containers for the waste product and pay a professional service to remove all the waste material for proper disposal.

The meeting was opened for public comment. There was no public comment for this agenda item and the public comment portion for this item was closed.

Mr. Markham made a motion to approve a Conditional Use Permit to allow the operation of a new Metals Assaying business n at the property located at 4185 South 500 West, Unit #30, subject to the following conditions:

1. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
2. The Business License review shall include inspections by the Fire Department, Building Division, and appropriate safety inspections by Salt Lake County Health if needed.
3. The applicant shall obtain building permits as required for the proper installation and ventilation of the assaying furnace.

4. Two (2) parking spaces shall be striped adjacent to the building. Access to the overhead door must remain open. Due to the limited parking, no employees are allowed at this location with the exception of the business owner.
5. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

 A Maren Patterson
 A Lisa Milkavich
 A Phil Markham
 A Sue Wilson
 A Ned Hacker

Motion passed 5-0

GENERAL PLAN AMENDMENT – Brad Reynolds Construction - 551, 565 & 583 East
Winchester Street and 6363 South 525 East - Project #19-151

Zac Smallwood presented the proposed amendments to the Murray City Future Land Use Map. The properties are currently designated Low Density Residential, and the applicant would like to change the designation to Residential Business. Mr. Smallwood explained that the proposed request will include four individual parcels on the east side of 525 East and west of 6360 South in the R-1-8 Zone. The four subject properties are individual parcels that are adjacent to six additional properties and have the same ownership. In total there are ten associated parcels, six of which were part of the 2017 General Plan update from R-1-8 to Residential Business. The other four associated parcels were missed during that update because they were not directly adjacent to Winchester Street. Three of the subject properties in the R-1-8 zone have the same address. Staff believes that this General Plan Amendment represents a correction to the Future Land Use Map. Mr. Smallwood addressed the concern that he received a letter from a resident which was sent from Brad Reynolds Construction. The letter showed potential development plans for the subject site. As a rule, we do not provide future development plans during the General Plan and Zone Amendment phase so that the Commission can weigh the merits of the General Plan amendment and the zone change and not the potential uses. Even though Brad Reynolds Construction has provided the letter we cannot take it into consideration tonight because those plans could change. Ms. Milkavich wondered if the proposal letter that was mailed to residents by Brad Reynolds Construction has gone through any other City regulations or steps to become formal. Mr. Smallwood replied that the applicant has not submitted an application for the proposed development and Staff has not considered anything yet. He stated that the Commission is looking at the General Plan and the zoning for this property only. A General Plan development is a process in which we receive a lot of community feedback and we use that information to create a map which helps to guide what the use of a particular area should be in the future. Then, the Future Land Use Map will be used in determining what properties will require zone changes in order to comply with a future land use. This application tonight is specifically to change the Future Land Use map. The next agenda item is for an application to change the zoning of the aforementioned properties to R-N-B, Residential Neighborhood Business. Based on the analysis of the submitted materials and the findings in this report, Staff recommends that the Planning Commission send a recommendation of approval to the City Council for the

requested amendment to the General Plan Future Land Use Map designation for the subject properties from Low Density Residential to Residential Business.

Ms. Patterson stated that she understands that during the development of the General Plan it is apparent that the rear properties were missed because the instruction was to look at the properties along Winchester Street and the front facing properties on Winchester were changed but the rear properties that were not facing Winchester were not changed. Also, to further support the proposed change is the fact that some of the properties have the same address but are different parcels. Mr. Smallwood added that the three rear parcels are landlocked, do not have any frontage on to a public street and should be considered as one property. Murray City code requires a public street for a subdivision of land, and they were subdivided before this code was put into place. If for some reason they ever wanted to sell the parcels individually they could not access them without trespassing. The proposed amendment would be a correction that would alleviate these concerns. Ms. Milkavich asked if the properties are too small to put a public road in between the properties. Mr. Smallwood replied that the City requires a minimum of a 49 foot (ft.) wide right-of-way. We typically don't allow a street to dead end; we require a full 100 ft. cul-de-sac which would nearly eat up this entire property. Ms. Wilson added that the aerial view shows that the rear properties are landlocked that have the misfortune of having a different parcel number.

Brad Reynolds, 2500 East Haven Lane, Holladay, stated that he is aware that the four parcels add up to be only .79 acre, the entire property is only 4.41 acres, and this is just a correction. To be transparent with the neighbors he held a meeting to inform them about what the future plans are for this land, so they had a better understanding.

The meeting was opened for public comment.

Dwight Searle, 658 East Silver Shadows Drive, wondered if the property is intended to be used for residential why is the proposed zoning for residential and business. Additional concerns are that the property could be used for anything with this type of proposed zoning.

David Eckhoff, 6428 Castlefield Lane, asked what R-N-B zoning means in terms of what businesses could be allowed here. The plan appears to call for residential units, but would it also allow business.

Wendy Butler, 6332 South 530 East, is concerned that 2017 Master Plan does not contain any specific verbiage that deals with land, but it is allowed to be zoned R-N-B. For the past 60 years this area has been residential single-family homes and Winchester has served as the buffer. Ms. Butler stated that she is against this proposal because it could be used for duplexes and businesses that are under 30 feet tall which could be open from 7:00 a.m. to 10:00 p.m.

The public comment portion for this item was closed.

Mr. Smallwood addressed the public comment and explained an R-1-10 Zone allows for a single home on a 10,000 sq. ft. lot and an R-N-B Zone allows for a duplex on a 10,000 sq. ft. lot with a single building. Ms. Milkavich asked if this proposed designation is regarding only the four rear parcels and if the front parcels have already been rezoned to R-N-B. Mr. Smallwood replied that this is only to designate the four properties and the front facing properties are currently zoned R-1-8. The future designation is for R-N-B which does allow for duplexes, and limits buildings to between 20 feet tall and up to a 30-foot tall with Planning Commission approval. Small scale businesses are allowed such as insurance companies, dental offices or medical offices and can operate between the hours of 7:00 a.m. to 10:00 p.m.

Heavy retail such as convenience stores are not allowed. Ms. Patterson explained that tonight we are only considering a land use rezoning and that the R-N-B zone is a great way to protect the established neighborhood behind it. These types of low scale uses would be valuable to the future development of the City as well. Ms. Wilson stated she is an advocate of the R-N-B Zone because it limits the type of business to something that is neighborhood friendly, limits building height, limits business intensity and offers a façade similar to the surrounding neighborhood. Mr. Markham stated that a comment was made that duplexes are "High-Density", and he does not agree. He asked Staff if they believe duplexes are High-Density. Mr. Smallwood replied that he does not believe duplexes to be High-Density. Ms. Wilson added that she realizes we are not considering a proposal tonight, but the twin home concept wouldn't be a worst case scenario. Ms. Patterson added that density is a consideration that Residential Neighborhood Business protects against, and we don't want a highly dense commercial or residential use here. Mr. Markham stated that if the city does not take care of this property now that it will continue to be vacant property that does not benefit anyone.

Mr. Markham made a motion that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the General Plan Future Land Use Map designation of the properties located at 6363 South 525 East and 551, 565, 583 East Winchester Street from Low Density Residential to Residential Business.

Seconded by Ms. Wilson.

Call vote recorded by Mr. Hall.

<u> A </u>	Phil Markham
<u> A </u>	Sue Wilson
<u> A </u>	Maren Patterson
<u> A </u>	Lisa Milkavich
<u> A </u>	Ned Hacker

Motion passed 5-0

ZONE MAP AMENDMENT – Brad Reynolds Construction – 533, 551, 565, 583, 593, 631 East Winchester Street and 6363 South 525 East - Project #19-152

Zac Smallwood presented the amendments to the Zoning Map for the ten subject properties and stated that the requested Zoning Map amendments are from R-1-8, Single Family Low Density Residential to R-N-B, Residential Neighborhood Business. Mr. Smallwood explained some of the differences between the R-1-8 and R-N-B zones and stated that there is a 30 foot height maximum in the R-N-B which that is lower than a Single-Family Residential lot, R-N-B allows for single and two family dwellings and it allows for light commercial uses. Commercial developments in the R-N-B Zone require a 10-foot landscape buffer and an 8 ft. masonry wall around the property between any residentially zoned property. In the future if a subdivision or commercial business were to be proposed it would require approval from the Planning Commission. Based on the background, analysis, and the findings within this report, Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendments to the Zoning Map.

Mr. Markham asked if the R-N-B Zone allows Single-Family homes. Mr. Smallwood replied in the affirmative.

Brad Reynolds, 2500 East Haven Lane, Holladay, stated that he believes that this property does not make any sense to be zoned as an R-1-8 property because of the traffic, proximity and size

of the street of Winchester Street there would not be any buffer for those homes. Mr. Reynolds added that this property would not be successful with any other zoning than R-N-B.

Mr. Markham stated that he and other Commissioners are aware of several other projects that Mr. Reynolds has built in Murray and that he believes they are high quality and an asset to the community.

The meeting was opened for public comment.

Thomas Mangum, 725 East 6410 South, asked if the Advocates building comes close to a worst case scenario for R-N-B zoning. Mr. Markham replied that he believes it to be a best case scenario. Mr. Mangum replied that depends on if you want single-family houses next your business.

Dwight Searle, 658 East Silver Shadows Drive, stated he is in favor of duplexes or anything with residential. Mr. Searle stated that he believes greed is the factor in the choice of zoning for this property. Mr. Searle added that traffic in the area is unbearable and wondered if anybody is concerned and wanted it to be addressed before this item is forwarded to the City Council. Mr. Searle additionally suggested that the City press the developer for a quick start time, so that the project is completed quickly before there is any chance of the developer reselling the land or changing his mind about what he wished to do with his own property. Mr. Searle also asked if a survey was done to find out if people would purchase a single family home here and if those results are favorable then that is what should be built. Mr. Searle had additional concerns that if duplexes are built here that they would be easy to rent and because he dislikes the idea of renters he suggested that covenants and restrictions be placed on these homes that requires them to be owner occupied forever or at least for the span of his life.

David Eckhoff, 6428 Castlefield Lane, stated that he personally agrees that putting single family homes in this area would be a difficult sell and is in favor of twin homes. Mr. Eckhoff is concerned that there would be an increase in traffic as a result of homes and it would be even worse with businesses. He also suggested that traffic should be diverted away from 525 East and towards Winchester Street, and he also agrees with stipulations that would require homes to be owner occupied.

Lee Butler, 6332 South 530 East, stated that he believes people would buy single family homes especially if a wall was built as a buffer from Winchester Street and that he thinks it is short sighted to think that this area won't be suited for single family homes because there is certainly some type of family who would be willing to move here. He added that there is a need for homes in this valley and if developers don't build homes on so called "undesirable" plots of land here that we will gentrify Murray and force people to live in places like Tooele.

Wendy Butler, 6332 South 530 East, stated that she is aware that the Winchester frontage all the way down to the Fashion Place Mall is scheduled to become R-N-B, yet this is the only area that is in front of the Commission. She also added that residences should be built here and that the egress from the property should not be onto 535 East but Winchester instead.

The public comment portion for this item was closed.

Ms. Patterson stated that it is understandably difficult for residents to separate a zone change from a potential development proposal when they have been given development information. She added that even though the information was distributed with good intentions it poses a problem because the plan distributed to the residents shows things like egresses, a certain number of homes to be developed or types of business that the City has not even had a

chance to look at. This particular plan may not even be accurate as to what will actually happen in the future. The City can't consider a development plan before a zone change has happened and it would be best to set aside any unapproved development information when considering this zone change.

Mr. Smallwood agreed with Ms. Patterson and addressed the traffic concerns by stating the City Engineering team considered traffic along Winchester when R-N-B zoning was proposed during the creation of the General Plan and they saw the amount of traffic in the area to be acceptable. Ms. Milkavich asked if the idea of the R-N-B model is to have potential business that maybe built along Winchester to enter and exit onto Winchester Street. Mr. Smallwood answered that all the models created for the General Plan showed the use of Winchester Street. Ms. Milkavich added that this development does have the potential to look like other R-N-B developments in our city such as can be seen on 900 East where egress is directed toward 900 East. Those businesses offer a buffer to the residential from what is happening on 900 East. Mr. Smallwood answered yes, this rezone would lead to a development similar to what is on 900 East but at this time the City is not able to say exactly what will or will not happen here because many different factors can impact what can be developed here. Mr. Smallwood explained that the City does not have the authority to disallow residential rentals because private property owners have rights. He added that the City does not get involved in any neighborhood covenants or CCRs because those are private agreements between property owners as part of a Homeowners Association. Mr. Smallwood explained that this land has been for sale with R-1-8 Zoning for a long time and could have been developed into single family homes but there have not been any takers. Ms. Milkavich asked if this is changed to R-N-B does it allow single family homes. Mr. Smallwood answered in the affirmative. Mr. Markman commented that he believes R-N-B is the appropriate zoning for this property because it allows the developer to have flexibility to make something of it because it has been available for the use of only single family homes and has not been developed yet.

Mr. Hall addressed the public concern that these properties have been in the Murray City General Plan for 16 years to become R-N-B and have not yet been rezoned yet. It is because the decision was made to let the properties be rezoned as property owners made individual requests instead of just a mass change all at once. He added that the City wanted to see the change happen organically as the need arose. For example, when the traffic gets too dense on Winchester the people who own homes along that street at least have the option to sell to a business instead of trying to sell the home to somebody who doesn't mind the traffic. This is actually a way to solve a traffic problem on Winchester as well, as it provides a buffer for the neighborhood from that busy street. The R-N-B zone is a stabilizing zone that the City realized it needed to apply here back in 2003. Mr. Smallwood stated that the height limit in this zone is 30 feet. Ms. Wilson stated that the R-N-B zone is good neighborhood buffer here because the Single-Family Zones allow a 35 foot height. Ms. Milkavich asked if business built in the R-N-B Zone have any façade requirements. Mr. Smallwood replied that the facades are expected to look closer to homes than commercial business with things like pitched roofs, and material requirements. Any future proposal will come before the Planning Commission for review.

Mr. Hacker wanted to clarify that the public input was appreciated tonight but a lot of it was based on a speculation what might or could go into this space. The City has not looked at an actual application for any development to be built here. What we are recommending tonight will be regarding only zoning for these properties. Mr. Markham added that any proposal that may come to the City will be vetted thoroughly by Staff to ensure it is the best possible fit for this site. Ms. Patterson added that she was on the Commission when the General Plan was put into place for this area and it was considered during many discussions. The result was that

the R-N-B zone was chosen for the benefits, regulations and protections it gives to the residential community in this area.

Mr. Markham made a motion that the Planning Commission forward a recommendation of approval to the City Council for the requested amendments to the Zoning Map designation of the properties located at 6363 South 525 East and 533, 551, 565, 583, 593, and 631 East Winchester Street from R-1-8, Single-Family Low Density Residential to R-N-B, Residential Neighborhood Business.

Seconded by Ms. Patterson.

Call vote recorded by Mr. Hall.

 A Phil Markham
 A Maren Patterson
 A Lisa Milkavich
 A Sue Wilson
 A Ned Hacker

Motion passed 5-0

OTHER BUSINESS

Mr. Hall stated that the next Planning Commission meeting is on December 5, 2019 and we have a few larger items on the agenda, please let us know if you will be able to make it.

Mr. Markham made a motion to adjourn. Seconded by Ms. Wilson.

A voice vote was made, motion passed 5-0.

The meeting was adjourned at 7:56 p.m.



Jared Hall, Planning Division Manager

